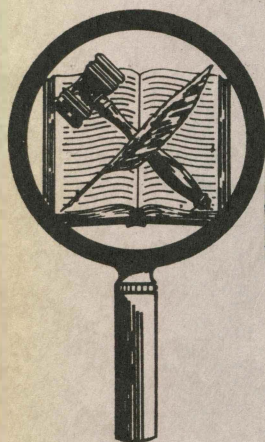


JULY 1977 - JUNE 1978
FIFTH ANNUAL



ombudsman Report

Lieutenant Governor
WILLIAM C. PHELPS
Ombudsman

COVER STORY

The magnifying glass is the tool of an examiner, one who wishes to know truth's smallest details. Here it implies that the ombudsman professes that same diligence and keen interest in the facts.

The tome depicted conceals two legends — one on either side of the central dividing line as to keep proper balance. The legend on the left says "The voice of the people, I will defend." That on the right says "Justice for all."

The plume denotes the constitutional charter. The gavel indicates the law to enforce the charter and the harmonious counterpoise between government and the governed.

The Office of the Ombudsman
Jefferson City, Missouri
64401

Open Letter to the Citizens of Missouri
and the Missouri General Assembly

The ombudsman program is in its fourth year of operation and has received more than 6,000 citizen requests to investigate or to conduct an inquiry regarding their government. In fiscal year 1977, 16,130 requests were received.

The ombudsman program has a dual purpose: to identify citizens' complaints and identify means of improving state government, thereby helping to prevent recurrences in a short, easy and long-term basis.

In an era of excessive government spending, the ombudsman program can be the most important tool to aid citizens as government services are cut back.

The resolution of citizens' requests is possible only through the cooperation of state agency personnel, the legislature, and other elected officials which is greatly appreciated.

It has been a gratifying experience to see the good citizens in a continuing effort to make their government more responsive to Missourians.

William C. Phillips
Ombudsman



OFFICE OF
THE LIEUTENANT GOVERNOR
JEFFERSON CITY, MISSOURI
65101

WILLIAM C. PHELPS
LIEUTENANT GOVERNOR

(314) 751-2421

Open Letter to the Citizens of Missouri
and the Missouri General Assembly

The ombudsman program in its five years of operation has served more than 6,000 citizens with responses to complaints and inquiries regarding state government. In fiscal year 1977-78, 1,392 requests were received.

The ombudsman program has a dual purpose: answering citizen's complaints and identifying means of improving state government, thereby, helping to relieve frustrations on a short-term and long-term basis.

In an era of possible reduction of government spending, the ombudsman program can be even more important to aid citizens as government services are cut back.

The resolution of citizen's requests are possible only through the cooperation of state agency personnel, the legislature, and other elected officials which is greatly appreciated.

It has been a gratifying experience to have helped citizens in a continuing effort to make state government more responsive to Missourians.

A handwritten signature in black ink that reads "William C. Phelps".

William C. Phelps
Ombudsman

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The Ombudsman Concept

What is an Ombudsman?

Definition — An ombudsman is a high-level independent public official, or an office established by law to receive complaints from aggrieved citizens involving government agencies and employees. An ombudsman investigates, recommends corrective action, and issues reports.

History — The ombudsman concept dates back to 1809 when the Swedes established a "Parliament's Agent of Justice" as a counterweight in the balance of power. It was not until 1919 that another country, Finland, followed Sweden's lead and established an office of the ombudsman. In 1969, Hawaii became the first state to have an ombudsman. Since then, the ombudsman concept has spread throughout the United States with federal, state, and local ombudsman offices.

Why an Ombudsman?

The purpose of an ombudsman is to improve the quality of service the public receives from government, in an effort to improve the public's attitude toward government. To accomplish this purpose, an ombudsman assumes two roles, one of giving immediate response to a complaint, and the other of analyzing a complaint to find flaws or breakdowns in the system.

As American government on every level increases in scope and complexity, the need for assistance to individual citizens to help alleviate the frustrations of bureaucracy also increases. The modern state has, to its credit, assumed a multitude of functions affecting the lives and property of its citizens. The power of the bureaucracy has become so great that the status of the individual needs additional protection.

If bureaucrats become overzealous to written rules, the consequences can be detrimental to the people and contrary to

the goals of public policy. A small error can adversely affect the lives of many people.

Since the passage of Proposition 13 in California, a nationwide trend of tax cuts and reduced government spending has developed. With this decreased spending, programs and personnel will be reduced. In these circumstances, it becomes imperative that government become more efficient and effective in order to avoid services being provided at a slower rate creating mounting frustration. An ombudsman answers these frustrations by helping the bureaucracy to improve itself to better serve the citizens.



The Ombudsman in Missouri

Who is the Ombudsman?

On July 11, 1973, Lieutenant Governor William C. Phelps voluntarily assumed the role of Missouri's Ombudsman.

During his 12 years of service as a member of the Missouri House of Representatives, Phelps realized that many citizens were not familiar with the administrative structure and procedures of state government. As a legislator he had co-sponsored bills which would have created an ombudsman for the state, but they failed to receive sufficient support for passage.

Upon his election as Lieutenant Governor in 1972, the ombudsman concept became part of Phelps' plan to expand the operation of the office to a full-time basis. Since the duties of the Lieutenant Governor did not require full-time service, the office could effectively expand to handle citizen complaints.

Phelps formally announced his intention to serve as Ombudsman in 1973 stating "there is a need for a visible ombudsman for citizens who request help — one that responds to needs, not pressure."

After examining other programs, it was concluded that enforcement or subpoena powers which were embodied in various legislative proposals were not essential to a successful ombudsman program. The program has sufficient access to records from the open records law and the necessary cooperation from agency directors. The Ombudsman acts as a citizen's aide, not a prosecutor, using the power of persuasion.

What are the Powers and Limitations of the Ombudsman?

The areas within the jurisdiction of the Ombudsman are:

1. Investigate a complaint concerning inaction or improper action of an administrative agency or employees of state government.

2. Enlist the cooperation of an agency if an investigation shows that a mistaken, unfair, or arbitrary action has occurred or there has been no action when action was justified.
3. Request timely response to the complaints.
4. Provide confidential treatment of cases and complaints upon request.
5. Answer questions relating to government at any level for persons who do not know where or to whom the questions should be directed.

Through this service, the individual citizen can be benefited and hopefully, the citizen's faith in government restored.

Areas outside the jurisdiction of the Ombudsman are:

1. Actions of local government such as cities and counties, and the federal government.
2. Acts of the legislature and the Governor.
3. Courts and adversary proceedings in quasi-judicial agencies in which parties should be represented by attorneys.
4. Disputes between private parties, which do not involve agencies of state government.
5. Personnel decisions regarding the hiring and firing of state employees.
6. Money, favors, gifts, or any other form of payment for services rendered in connection with Ombudsman responsibilities cannot be accepted.

Although he has no jurisdiction over local and federal matters, the Ombudsman attempts to inform the appropriate official of any complaint related to their unit of government so that consideration of the problem can be given by the appropriate officials.

The Ombudsman also becomes an advocate for change or repeal of a rule or regulation of an agency which, as a result of his investigation, is discovered to be unreasonable, arbitrary, or oppressive.

Why the Lieutenant Governor as Ombudsman?

The ombudsman trend is growing in the United States. Approximately 20 state governments have adopted some form of ombudsman service. Other Lieutenant Governors have established or are considering the program for their states. The concept of an elected state official serving as ombudsman is logical since an appointed system renders that person responsible to the appointing authority and not to the citizenry.

The Lieutenant Governor of Missouri is ideally suited to serve as Ombudsman because he:

1. Is independently elected by other voters of the state and thus is responsible only to the public at large rather than an appointing authority.
2. Is not limited to specific duties nor part of a state department and therefore has flexibility in the operations of the office and an overview of the entire executive branch.
3. Has the prestige as the second highest elected official in the state through which the respect and cooperation of an agency is enlisted.

4. Can function as Ombudsman at the lowest possible cost to the taxpayer because the existing office and staff is utilized together with student interns.

The unique differential in the Missouri ombudsman program is its emphasis on youth. The Lieutenant Governor enlists highly qualified students who show a genuine interest in political science, public administration, or consumer affairs to serve as aides in the program.

The ombudsman aides receive college credit and obtain a keen perspective of state government not found in any classroom. With supervision by Phelps and his staff, the aides work directly on real problems of state government. Their valuable assistance enables the Ombudsman to give personal attention to each citizen request.



The Ombudsman in Action

Number of Cases

Since the beginning of the program, more than 6,000 citizens have been served by the Ombudsman.

In fiscal year 1977-78, the office of citizen complaints caseload returned to the same levels as 1974-75 and 1975-76. Probably the growth of the program during 1976-77 was due to increased public awareness of the program during the Lieutenant Governor's re-election campaign.

Yearly Caseload

<u>Fiscal Year</u>	<u>Number</u>
1973-74	773
1974-75	1,400
1975-76	1,273
1976-77	1,562
1977-78	<u>1,394</u>
TOTAL	6,402

The number of cases the Ombudsman handles a month remains fairly seasonal with more contacts in the summer and less in the winter.

Monthly Caseload

	<u>Number</u>	<u>Percentage</u>
July	104	7.46
August	147	10.55
September	95	6.81
October	119	8.54

November	87	6.24
December	82	5.88
January	129	9.25
February	110	7.89
March	126	9.04
April	109	7.82
May	141	10.12
June	145	10.40
TOTAL	1,394	100.00

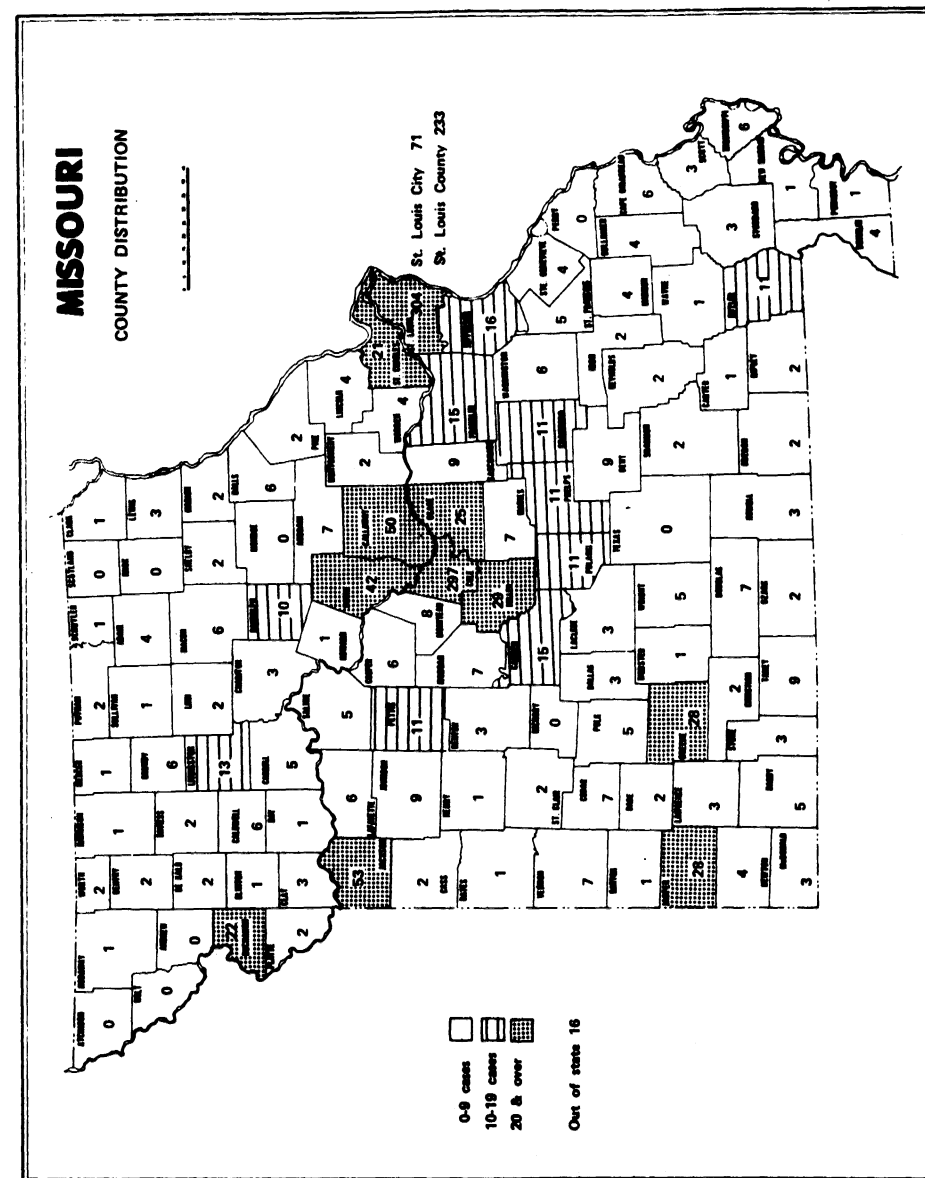
Case Distribution by County

During the five years the program has been in operation, cases have been received from all of Missouri's 114 counties and the City of St. Louis. In fiscal year 1977-78, citizens in all but nine counties contacted the Ombudsman.

The metropolitan areas of St. Louis and Kansas City were responsible for 357 or 26 percent of the total cases received. In the first year of the program, 1 in 8 cases came from these areas, 1 in 3 in the second year, 1 in 4 in the third, fourth and fifth years of operation.

The citizens of Cole County, the home of the State Capitol, requested the Ombudsman's assistance 297 times or 21 percent of the total caseload this past year. This large number is due to the fact that the program is more accessible to Cole County residents than any other area of the state because the individual can call free of charge. It is hoped that eventually the need for an incoming toll-free number making the program equally accessible to all Missourians will be recognized. The request for funds was rejected two years ago.

The remaining 48 percent of the cases were received from areas outside the two major metropolitan areas.



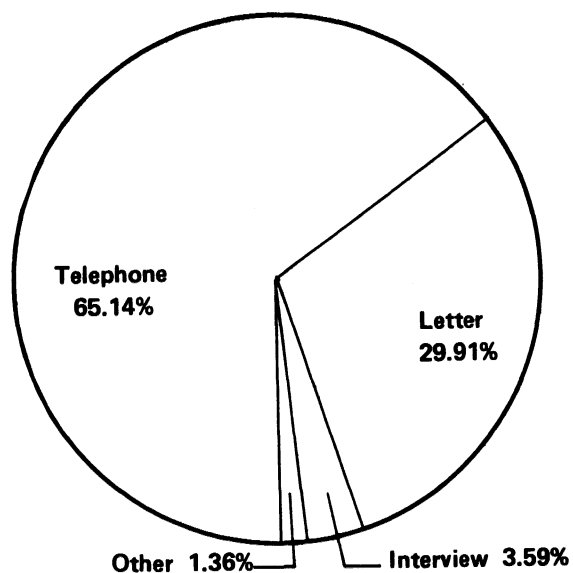
How the Ombudsman is Contacted

The Ombudsman received complaints and inquiries of citizens from 8:30 a.m. to 5 p.m., five days a week. Citizens may write, telephone, or contact the Ombudsman in person.

In the five years of operation, the number of letters received has diminished while the number of telephone calls has increased. In the first two years of operation, the Ombudsman received its majority of cases by letter. In 1977-78, almost two-thirds, 65 percent, of the cases received were by telephone, while only 30 percent were by letter.

In addition to writing or calling, some citizens chose to visit the office personally or express their concerns to the Lieutenant Governor while he was visiting different parts of the state.

How the Ombudsman is Contacted



Types of Cases

Each of the 1,394 cases received were considered either complaints or requests for information. In 1977-78, 928 or 66 percent of the cases were complaints, while 451 or 32 percent were requests. This ratio has remained relatively the same each year.

Why the Ombudsman is Contacted

	Complaint	Inquiry	Other
July	84	22	0
August	91	56	0
September	54	37	4
October	78	40	1
November	60	26	0
December	47	31	4
January	82	50	3
February	82	31	3
March	62	55	0
April	88	21	0
May	94	47	0
June	106	35	0
TOTAL	928	451	15
PERCENT	(66.57)	(32.35)	(1.08)

Nature of Complaints and Inquiries

Each complaint or inquiry received is classified into a category. Since cases are often complex and may involve more than one issue, each case can be assigned as many as three different "natures." Therefore, the statistical data is based upon a total of 1,649.

Nature of Complaint or Inquiry	Number	Percentage
Administrative Mixup	41	2.48
Business Interest	33	2.00
Communications Breakdown	95	5.76
Consumer Protection Complaint	269	16.31
Desires Financial Assistance	92	5.57
Desires Forms and Applications	16	.97
Desires Increased Subsidy	35	2.12
Desires Legal Assistance	44	2.66
Desires Legislative Information	17	1.03
Desires Rule or Law Change	47	2.85
Desires Scheduling Information	1	.006
Desires Statutory Information	85	5.15
Discrimination	6	.36
Election Matter	3	.18
Employment and Personnel	86	5.21
Lack of Available Information	264	16.00
Matter of Litigation	72	4.36
Natural Resource Problem	9	.54
Personality Dispute	9	.54
Protests Agency Decision	180	10.91
Public Works Problem	45	2.72
Requests Investigation	115	6.97
Resource Shortages	4	.24
Irrational Complaint	12	.72
Unclassified Complaint	69	4.18
TOTAL	1,649	

In 1977-78 the primary reasons for contacting the Ombudsman were: (1) consumer protection complaint, (2) lack of available information, (3) protest of local, state, and federal agency decisions, (4) request for an investigation, and (5) communications breakdown by an agency or an individual.

When dealing with consumer complaints, the Ombudsman works with the agency that has regulatory authority. If none exists, the citizen is given an explanation of the programs specifically geared to working with consumer problems in both the public and private sector.

Two state agencies given authority to investigate consumer complaints were contacted and investigated 44 percent of the consumer complaints. Of the 269 consumer complaints, the Department of Consumer Affairs, Regulation and Licensing (C.A.R.L.) was contacted 36 percent of the time and the Consumer Protection Division in the Attorney General's office 8 percent. Because the matter was not appropriate for C.A.R.L. or the Attorney General, the Ombudsman investigated 18 percent of the consumer complaints received.

The Ombudsman makes an effort not to be simply an information and referral agency, but an office that advocates citizen's justifiable requests and follows the case through to its conclusion.

The Ombudsman does not conduct investigations into matters that are within the jurisdiction of law enforcement authorities, but can direct an individual to the appropriate law enforcement agency or court.

Requests for financial assistance can come from a family who is in need of financial support or from a city or organization wanting to obtain financial help for a special project. The Ombudsman can provide information on sources of funding and procedures for making application.

Personnel decisions regarding the hiring, firing, salary increases, and promotions of state employees are not within the Ombudsman's jurisdiction, unless Merit System grievance procedures or the department's own rules are not followed. Employment matters within the private sector are outside the Ombudsman's jurisdiction unless discrimination is involved, or to the extent that Missouri statutes protect the citizen.

Many complaints result from a lack of communication or a lack of available information. The Ombudsman will often times act as a mediator and provide necessary information to aid citizens in their situation.

Frequency of Agency Contact

After a citizen contacts the Office of Citizen Complaints it is often necessary for the Ombudsman to contact the appropriate parties in order to resolve the case.

In 1977-78, 48 percent of the cases involved state executive agencies. The three most frequently contacted were the Department of Consumer Affairs, Regulation and Licensing, the Department of Revenue and the Department of Social Services. These departments have more direct contact with the general public than other departments. The Ombudsman enjoys a good working relationship with the state agencies in a common effort to aid Missouri citizens.

Much resource material has been obtained and filed in the office, so that 255 or more than 18 percent of the cases could be resolved without agency contact.

Although the Ombudsman is designed to investigate and reply to inquiries about state governments, 132 cases involved federal or local government. Although these agencies are beyond the Ombudsman's jurisdiction, an effort was made to put the citizen in contact with the appropriate person.

State Executive Departments

	<u>Number</u>	<u>Percentage</u>
Office of Administration	21	1.50
Department of Agriculture	7	.50
Department of Conservation	6	.43
Department of Consumer Affairs, Regulation and Licensing	185	13.27
Department of Elementary Education	28	2.00
Department of Higher Education	17	1.21
Department of Highways	31	2.22
Department of Labor and Industrial Relations	45	3.22
Department of Mental Health	10	.71
Department of Natural Resources	25	1.79
Department of Public Safety	21	1.50
Department of Revenue	106	7.60
Department of Social Services	165	11.83
Department of Transportation	1	.07

Frequency of Agency Contact

<u>Department or Agency</u>	<u>Frequency</u>
Federal	
Agriculture, U.S. Department of	2
U.S. Army	6
Environmental Protection Agency	1
Health, Education and Welfare, Department of	4
Social Security Administration	33
Housing and Urban Development, Department of	6

Labor, Department of	7
Federal Energy Office	<u>6</u>
Total Federal	96
 Local	 <u>36</u>
Total Local	36
 State	
Elected Officials	<u>72</u>
Total Elected Officials	72
 Executive Agencies	
Office of Administration	13
Personnel, Division of	8
Agriculture, Department of	7
Conservation, Department of	6
Consumer Affairs, Regulation and Licensing, Department of	62
Commerce and Industrial Development, Division of	2
Finance, Division of	6
Human Rights Commission	2
Insurance, Division of	45
Professional Registration, Division of	10
Public Service Commission	45
Public Counsel, Office of	3
Savings and Loan, Division of	2
Tourism Commission	8
Elementary and Secondary Education, Department of	16

Special Education, Division of	3
Vocational Rehabilitation, Division of	9
Higher Education, Department of	4
Colleges and Universities	11
State Library	2
State Highway Department	31
Labor and Industrial Relations, Department of	7
Employment Security, Division of	29
Labor and Industrial Relations Commission	1
Workmen's Compensation	8
Mental Health, Department of	5
State Hospitals and Schools	5
Natural Resources, Department of	10
Air Conservation Commission	2
Clean Water Commission	6
Soil and Water Districts Commissioner	4
Solid Waste Management	1
Parks and Recreation, Division of	2
Adjutant General	3
National Guard	0
Public Safety, Department of	2
Safety Fire Marshal	0
Highway Patrol	10
Liquor Control	5
Missouri Law Enforcement Assistance Council	1
Revenue, Department of	38
State Tax Commission	8
Transportation-Registration, Licensing, Safety Responsibility	60

Social Services, Department of	11
Office of Aging	5
Corrections, Division of	11
Family Services, Division of (Welfare)	95
Health, Division of	36
Nursing Home Administrators, Board of	3
Probation and Parole, Board of	2
Veterans' Affairs, Division of	1
Youth Services, Division of	1
Transportation, Department of	<u>1</u>
Total State Executive Agencies	724

Legislative	20
Supreme Court	1
Missouri Bar	8
No Jurisdiction	85
Omnibus	69
Resolved Without Agency Contact	255
Small Claims Court	7

Time Required for Completion

The average length of time required to complete a case is 11 days. However, 754 or 54 percent of the cases received were completed in less than five days. The Ombudsman does not require complaints to be in writing and tries to make as many contacts by telephone as possible, because this is quicker and less bureaucratic. It also avoids creation of a small bureaucracy to cut through the red tape of the larger bureaucracy.

Two hundred-fifty or 18 percent of the cases received were resolved between six and 15 days, while 223 or 16 percent required 16-30 days to resolve.

Cases requiring more than 30 days to complete amounted to 167 or 12 percent of the total caseload. Many of these cases were dependent upon decisions by other authorities.

Time Required for Completion

	<u>0-5</u>	<u>6-15</u>	<u>16-30</u>	<u>Over 30</u>
July	56	30	2	2
August	72	22	21	15
September	34	6	22	15
October	40	5	22	22
November	32	8	9	24
December	29	3	19	3
January	75	28	12	13
February	57	14	17	14
March	59	29	13	15
April	57	20	16	13
May	74	34	21	4
June	<u>76</u>	<u>26</u>	<u>20</u>	<u>7</u>
TOTAL	754	250	223	167

Percentage	54%	18%	16%	12%
Total Number of Cases:	1394	Average: 10.6979 (11 days)		



The Office of the Ombudsman

The Staff

The Lieutenant Governor employs two full-time staff members to supervise the ombudsman program and utilizes student interns from Missouri colleges and universities to act as ombudsman aides, usually five or six student interns each semester. Each student works about 12 hours a week in the Capitol office.

The use of student interns provides a dual benefit – for the student and for Missouri citizens. The internship experience affords the student a broad overview of state government in a work atmosphere, as they answer citizen complaints and inquiries, complete preliminary research, and contact appropriate parties in order to arrive at a satisfactory resolution. Since the interns receive college credit, they are not paid. Therefore, the program can be operated at the lowest possible cost to Missouri citizens.

More than 70 students have participated in the program since 1973. The following colleges and universities have sponsored 1977-78 ombudsman aides: Central Missouri State University, Lincoln University, Northeast Missouri State University, Rockhurst College, Stephens College, University of Missouri-Columbia, Webster College, Westminster College, and William Woods College.

The Cost

The budget for the Office of Lieutenant Governor as appropriated by the Missouri State Legislature is not itemized by program area. In 1977-78, Lieutenant Governor William C. Phelps' total budget was \$96,404, which includes the Lieutenant Governor's salary of \$16,000, established by Missouri law.

The direct cost of operating the ombudsman program for 1977-78 was \$16,616.72, which included the salaries of a full-time staff person, and temporary ombudsman aides, cost of

computer time for analyzing data, printing, postage, and supplies.

The average cost per case of the 1,392 cases was \$12.92, which ranks the fourth lowest of 14 similar programs in the country.

State Comparison

The mean of the 14 averages is \$49.52. The average cost per case was lowest at the Governor's Service Center in New Mexico (\$6.23) and highest at the Ombudsman for the State of Oregon office (\$236.00).

Missouri's Ombudsman operating cost of \$12.92 per case is substantially less than the average. A concerted effort is continually made by Lieutenant Governor Phelps to offer the best services at the least possible cost.

Comparison Chart**

	Average Cost Per Case
Governor's Service Center New Mexico	\$ 6.23
Citizen's Help Office North Carolina	8.00
Citizen's Action Division Houston, Texas	10.00
Ombudsman-Office of Citizen Complaints Missouri	12.92
Pennsylvania Governor's Action Center	18.57
Office of Consumer Affairs Alexandria, Virginia	20.00

Office of Citizen Response Denver, Colorado	21.40
Ombudsman Dayton, Ohio	24.62
Citizen's Assistance Office San Diego, California	27.61
Assembly Ombudsman Anchorage, Alaska	38.00
Citizen's Assistance & Information San Diego, California	50.00
Office of the Ombudsman & Citizen Complaints Seattle, Washington	80.00
Connecticut Correctional Ombudsman	140.00
Ombudsman State of Oregon	236.00

**Source: David Alexander, Pennsylvania State University, College of Human Development, University Park, Pennsylvania.



Appendix

Ombudsman Reports

by Lt. Governor William C. Phelps

UNFAIR BILLING CORRECTED

In March, 1977 a Missouri resident received notification that she must pay back payments totaling \$904 for a period of eight months to the nursing home caring for her sister. The citizen had been financially responsible for her sister's entire care, even though she had been placed in the home through the Department of Mental Health, because she was not receiving Title 19 Social Security funds.

Although she paid the \$904 to the nursing home, the citizen believed she was being treated unfairly and contacted the Ombudsman.

The Ombudsman contacted the Department of Mental Health and initiated an investigation which revealed that the private nursing home's retroactive rate increase corresponded with an increase in Title 19 patient funding. This private non-medicaid patient was automatically charged the same rate.

It was also determined that the social service worker at the Mental Health hospital was taking an active role in the case although the Department of Mental Health's service to the patient had supposedly been completed.

The Department of Mental Health recognized the confusion and understood the inconvenience resulting from the inappropriate retroactive billing. It is expected that the citizen will be reimbursed for the \$904 retroactive payments.

If you have a problem concerning state agencies or if you are unsure where to direct a request for information, write your Ombudsman, Lieutenant Governor William C. Phelps, Box 563, Jefferson City, Missouri 65101 or phone 314/751-2421.

(For Release - August, 1977)

Ombudsman Reports

by Lt. Governor William C. Phelps

WHERE TO FIND HELP

From time to time citizens are unable to determine which agency to contact for information or assistance concerning a specific problem. Please clip the following list and paste it in your telephone or address book.

Corporations Licensed in Missouri

The Secretary of State's Office,
207 State Capitol Building,
Jefferson City, MO. 65101.
Telephone: 314/751-2330.

Misrepresentation of Goods or Services

Consumer Protection Division,
Attorney General's Office,
Supreme Court Building,
Jefferson City, MO. 65101. Toll
Free: 1-800/392-8222.

State Merit Employee Appeal of Termination, Suspension or Demotion

Missouri Division of Personnel,
117 E. Dunklin Street, Jefferson
City, MO. 65101. Telephone:
314/751-4162.

Insurance Companies

Consumer Services Unit,
Missouri Division of Insurance,
515 E. High, Jefferson City, MO.
65101. Toll Free:
1-800/392-8745.

Privately Owned Utilities

Consumer Services Unit,
Missouri Public Service
Commission, Jefferson State
Office Building, Jefferson City,
MO. 65101. Toll Free:
1-800/392-4211.

Consumer Complaints Not Involving Misrepresentation

Consumer Information Center,
Department of Consumer Affairs,
Regulation and Licensing, 505
Missouri Blvd., Jefferson City,
MO. 65101. Telephone:
314/751-4996.

Tourist Information

Missouri Division of Tourism,
308 E. High, Jefferson City, MO.
65101. Telephone:
314/751-3051.

Employment Opportunities

Local Employment or Job
Service Office.

Unemployment Benefits

Local Employment Security
Office.

Air and Water Pollution

Department of Natural
Resources, Division of
Environmental Quality, 210
Missouri Blvd., Jefferson City,
MO. 65101. Telephone:
314/751-3241.

State Taxes and Motor Vehicle Licenses

Missouri Department of
Revenue, Jefferson State Office
Building, Jefferson City, MO.
65101. Telephone:
314/751-2311.

Senior Citizens' Income Tax Credit

Senior Citizens' Income Tax
Credit Unit, Jefferson State
Office Building, Jefferson City,
MO. 65101. Telephone:
314/751-3505.

Financial Assistance

Your county Missouri Division
of Family Services Office.

If you have a problem concerning state agencies or if you are unsure where to direct a request for information, write your Ombudsman, Lieutenant Governor William C. Phelps, Box 563, Jefferson City, Missouri 65101 or phone 314/751-2421.

(For Release - November, 1977)

Ombudsman Reports

by Lt. Governor William C. Phelps

HOW TO MAKE A GOOD COMPLAINT

Because state government affects our daily lives, it is inevitable that sooner or later most Missourians will need to contact the Ombudsman or an agency about their complaint.

When writing a complaint letter or explaining the problem over the phone, there are several things that should be remembered. Stay calm because yelling and shouting accomplishes nothing except to blur the main issue.

A good complaint letter should give a complete but brief account of what happened, eliminating information unrelated to the complaint or inquiry and what you would like to happen.

Include your full name, correct address, and a phone number where you can be reached during the day. Recently, the Ombudsman received a letter with a name but no address, just a St. Louis post mark. It might have been possible to have helped the person if more information had been provided.

If an inquiry involves an agency that uses an identifying case or a

file number, it is important to include the number in order to locate records as soon as possible.

Include the name of an agency and individual with whom you have dealt concerning the problem. Do not abbreviate names of programs, for example S.S. or R.R. Even though the reader might guess that S.S. refers to Social Security Administration, it does not indicate which of a number of programs operated by the Social Security Administration is involved.

Correct, brief, but complete information means faster and more accurate assistance to those needing help.

If you have a problem concerning state agencies or if you are unsure where to direct a request for information, write your Ombudsman, Lieutenant Governor William C. Phelps, Box 563, Jefferson City, Missouri 65101 or phone 314/751-2421.

Ombudsman Reports

by Lt. Governor William C. Phelps

DEPARTMENT POLICY CHANGED TO COMPLY WITH LAW

In recent months, the Ombudsman became aware of a Missouri Department of Revenue procedure which was inconsistent with a current court ruling.

From different areas of the state, complaints were received that the Department of Revenue refused to allow women to use their maiden name as their middle name on the computerized portion of a Missouri Driver's License.

Approximately two years ago, the St. Louis Court of Appeals handed down a decision stating that an individual's legal name is the name by which they are known in the community. Therefore, if a woman consistently used her maiden name as her middle name, it is her legal name.

The Department policy was based on the belief that in order to maintain secure and accurate records, the given middle name at birth was required.

However, the Ombudsman learned that a gentleman was asked to produce only a personal check for identification even though he was willing to produce his

birth certificate. This brought not only the policy but the reason for the policy into question.

As a result of contacts by the Ombudsman with the Department at the time the Department was preparing its training manual, a new policy effective November 1 has been initiated which allows a woman to use her maiden name as her legal name on her driver's license upon producing adequate documentation. According to department officials, all local offices have been notified of this change.

In the future, the policy will be consistent with the Missouri Court decision, but also equally applied with regard to legal documentation for men and women.

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HOW TO MAKE A GOOD COMPLAINT

Because state government affects our daily lives, it is inevitable that sooner or later most Missourians will need to contact the Ombudsman or an agency about their complaint.

When writing a complaint letter or explaining the problem over the phone, there are several things that should be remembered. Stay calm because yelling and shouting accomplishes nothing except to blur the main issue.

A good complaint letter should give a complete but brief account of what happened, eliminating information unrelated to the complaint or inquiry and what you would like to happen.

Include your full name, correct address, and a phone number where you can be reached during the day. Recently, the Ombudsman received a letter with a name but no address, just a St. Louis post mark. It might have been possible to have helped the person if more information had been provided.

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MISSOURI LAWYER REFERRAL SERVICE

The Ombudsman frequently receives inquiries and complaints concerning private disputes which require the services of an attorney in the private practice of law. However, many citizens have never contacted an attorney and most presume they will be unable to afford legal counsel.

Beginning March 1, 1978, Missourians seeking legal services will be able to call a toll free number (800/392-8777) and be referred to a lawyer in their area. The Missouri Lawyer Referral Service will be operated from the Missouri Bar Center in Jefferson City. Any Missouri Bar member who is engaged in the active practice of law will be eligible for membership upon the payment of a fee of \$20.00 per year.

Persons using the service will receive an initial consultation of up to thirty minutes for a fee of only \$15.00. This fee will go to

pay the operational costs of the service. Cost for any further legal services will be agreed upon by the attorney and client.

The service will not make referrals in areas of the state now served by a formalized lawyer referral service, as in St. Louis, Kansas City, and Greene County.

The Missouri Lawyer Referral Service will provide an opportunity for the public to obtain legal counsel at the moderate fee.

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OMBUDSMAN SUGGESTS CAUTION IN FOOD PURCHASES

In recent years many of the larger food companies have begun to stamp their perishable items, such as meat and milk, with a "sell by" date. This notation signifies the final date at which a particular item is considered to be fresh.

This dating technique is helpful and has proven, in one instance, to be an invaluable guide to a concerned Missouri consumer.

A troubled citizen recently contacted the Ombudsman concerning outdated meat products purchased at a Kansas City supermarket.

After tasting the meat, the gentleman checked the package labels. The "sell by" date stamped on the label was ten weeks past due. He wrote to the Ombudsman, enclosing the empty meat packages and the sales receipt.

Because such products deteriorate rapidly after expiration of the "sell by" date, grocers must either return unsold items to the manufacturer or destroy them. The Ombudsman notified the Department of Health and inspectors were sent to the store. The Health Department officials found

outdated meat products and several items which had been illegally repackaged and mislabeled.

Health officials discussed this problem with the supermarket management and indicated the importance of proper regulation of the "sell by" date process.

Missouri Food and Drug Laws require that all packaged foods must be labeled with the common name of the product, the address of the manufacturer, net contents, and a list of ingredients.

As a result of contacts made by the Ombudsman, action was taken to insure that the retailer complied with Missouri Food and Drug Laws for the safety and benefit of the people of Missouri.

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CITIZEN REQUIRED TO ANSWER IMPOSSIBLE QUESTIONS

The smallest problem with a government agency may seem trivial to someone who reads about it, but to the person involved, it can be a big headache.

To a woman in the St. Louis area, a government agency's request seemed impossible. She was asked to identify the driver or car in a hit and run accident involving her car.

The Department of Revenue sent her an SR 22 form, telling her it was mandatory that she fill it out and include the name of the other driver.

After contacting Lieutenant Governor Phelps Ombudsman program, her problem was investigated. The Ombudsman called a woman in Safety Responsibility of the Revenue Department, who

delivered the same message: need name, license plate number or some means of determining the identity of the hit and run driver.

Still without a clear understanding of the department's requirements, the Ombudsman made one more call to the Revenue Department and was informed that the St. Louis woman did not have to fill out the form — it was sent to her by mistake.

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COG IN BUREAUCRATIC WHEEL REMOVED

Many government agencies are established as watchdogs of businesses that may mislead consumers. Sometimes, however, the agency is another cog in the bureaucratic wheel. An example is the case of a businessman in Springfield.

The owner of a food store was having problems with the district health supervisor. He received a letter from the Joplin City Health Department indicating that his products were not in compliance with Missouri food and drug laws and he would not receive a permit to sell his products. He was shocked because a week earlier a health department inspector had visited the store and okayed it for a permit.

He called the Ombudsman and said he thought that a violation that had occurred several years ago was the reason the department was reluctant to issue a permit.

Our office contacted the supervisor of the district health department in

Springfield, who admitted his office was concerned because of several previous violations of the Missouri food and drug laws.

Under the law the store owner had a right to the permit based on being approved by the inspector. Past performances do not always indicate present practices.

Shortly after our call to the supervisor, the store owner received a call from the department saying he would receive the permit. In a few days he received the permit and was able to continue operating.

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ACTION TAKEN

